



8 JUN 2007

CAMERON INTERNATIONAL CORPORATION
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In re Application of	:	
PARKINSON, David	:	
Application No.: 10/553,080	:	DECISION ON
PCT No.: PCT/GB04/01351	:	
Int. Filing Date: 31 March 2004	:	PETITION UNDER
Priority Date: 10 April 2003	:	
Attorney Docket No.: DPS-030807 PET-1013US	:	37 CFR 1.47(b)
For: FILTRATION APPARATUS	:	

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 23 February 2007.

BACKGROUND

On 21 November 2006, the Office mailed Decision On Petition Under 37 CFR 1.47(b), dismissing applicant's petition without prejudice.

On 23 February 2007, applicant submitted this renewed petition, accompanied by the fee for a one month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3) and (6) were previously satisfied. Applicant states the last known mailing address of Mr. David Parkinson as Arodene, Walton-in-Gordano; Clevedon, North Somerset BS21 7AR; United Kingdom.

Items (2) and (4) have now been satisfied. Applicant has provided sufficient evidence that Mr. Parkinson was presented with a complete copy of the application papers and has not returned a signed oath or declaration. The declaration complies with 37CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (5) has not been met. Previously, applicants provided a legal memorandum that relied on an employment agreement executed by Mr. Parkinson, but did not provide that employment agreement. Applicants have still not provided that employment agreement.

Additionally, applicants claim that they are relying on the "Statement of Inventorship and of right to grant of a patent" filed with the British Patent Office. Applicant claims this is a certified statement of

inventorship and should be sufficient. First, that statement is for the British priority application, not the international application. Additionally, it is not clear what research was put into making this statement, to what certification applicant refers, who signed the statement and it is not clear that the person who signed the statement had firsthand knowledge of the facts recited therein. Further ownership by virtue of employment is a legal conclusion. Applicant has been asked to establish this through a legal memorandum with the necessary supporting documentation. The statement does not satisfy the United States Patent and Trademark Office's requirements for proof of sufficient proprietary interest.

Finally applicants were previously informed that the submission lacks a statement of someone with firsthand knowledge that this invention was made by Mr. Parkinson, while employed by DPS. The statement by Paul Webb is not sufficient. Items (4) and (5) from the statement do not demonstrate Mr. Webb's firsthand knowledge that Mr. Parkinson made the invention within the scope of his employment.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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